REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 2-4, 8, 10, 14-17, 20, 22, and 26-45 are pending. Claims 2, 3, 4, 17 and 27 are independent claims. By way of summary, Claims 3, 36-40 and 42 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 2-4, 8, 14, 16, 27, 28, 30, 31, 33, 35, 36, 38, 40-43 and 45 were rejected under 35 U.S.C. §102(b) as being anticipated by Suda. Claims 10, 22, 29, 32 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suda in view of Kaite. Claims 15, 17, 20, 26, 34, 39 and 44 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suda.

Turning first to the rejection of Claims 3, 36-40 and 42 under 35 U.S.C. §112, second paragraph as being indefinite, Applicant requests that this rejection be withdrawn in view of the previously filed amendment, submitted on September 6, 2007, which amended Claim 3 to recite antecedent basis for the processor. Accordingly, Applicant believes that there is antecedent basis for the processor in Claim 3 and that the rejection of Claim 3 as well as Claims 36-40 and 42 which depend from Claim 3, should be withdrawn.

Turning next to the rejection of Claims 2-4, 8, 14, 16, 27, 28, 30, 31, 33, 35, 36, 38, 40-43 and 45 under 35 U.S.C. §102(b) as being anticipated by Suda, Applicant notes, for the reasons that follow, that Suda does not anticipate these claims. With respect to independent Claims 2, 4, and 27, the Official Action takes the position (page 4) that the language "whereby a center of the first region is located at a center of the imaging range if the position designated as not received" is met by column 12, lines 8-13 of Suda." The Official Action further recites that the language "upon receiving a position designation, the center of the first region being located at specified coordinates" is met by element 402 in Figure 4A and column 11, lines 58-67 of Suda. The Official Action additionally recites that the language

"the range of the first region being set up is smaller than that of a case that the position designation is not received" is met by column 12, lines 8-13 of Suda.

Suda is directed to an image pick-up apparatus (column 1, lines 9 and 10). It is disclosed that an object of the invention is to enable the portion of a region to be subjected to range finding to be arbitrarily appointed in the frame and to continue the photographing operation even if an error is made in appointing the position (column 2, lines 42-46).

According to another aspect of the invention of Suda, there is provided an imaging processing apparatus comprising line-of-sight position detection means for detecting the line-of-sight of an operator in a display frame; region setting means for setting a region, in which a signal is processed at a position of the line-of-sight in the display frame detected by the line-of-sight position detecting means; (see column 2, line 64 through column 3, line 5). Thus, the frame for range finding in photometry is moved to follow the photographing position appointed by a photographer of a video camera. If an error has been produced in appointing the photographing position, the foregoing frame can be fixed to a predetermined position so that the photographing operation is continued (col. 5, lines 5-10). Suda discloses that the AF microcomputer 29 discriminates whether or not the detection of the line-of-sight is being performed normally on the basis of information indicating an error in the detection of the line-of-sight supplied from the line-of-sight detection circuit 6. If the detection is being performed normally, the AF microcomputer outputs to the frame generating circuit 27 and appointment for creating the frame in accordance with information about the position of the frame supplied from the line-of-sight detection circuit. If the detection of the line-of-sight results in an error, the AF microcomputer outputs an appointment for creating a frame in the central portion of the frame (see column 9, lines 1-12).

It is further described that in the line-of-sight detection block, the line-of-sight detection circuit 6 detects the coordinates of the position of the line-of-sight in the displayed

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frame of the electronic viewfinder in response to the output signal from amplifier 5.

Information about the coordinates of the detected position of the line-of-sight is transmitted

to the AF microcomputer 29 (see column 9, line 63 through column 10, line 3).

Referring to Figures 4 and 5, the frame creating process shows Figs. 4A and 4C to be

diagrams showing the relationship between the position detected by the line-of-sight

detection circuit 6 and the frame created by the frame generating circuit 27 when the line-of-

sight detection is being performed normally. Figure 5A is a flowchart for creating the frame.

The frame shown in Figure 4A is the outline of the screen. The AF microcomputer 29 sets

operation in step S1 and receives a line-of-sight detection error information from the line-of-

sight detection circuit 6, which is step 2 of Figure 5A, to discriminate whether or not a line-

of-sight detection error has been made. If detection at the line-of-sight is normal, i.e., if no

error has been made, the point of interest detected by the line-of-sight detection circuit is read

information about the position of a point 405 shown in 4A.

Figs. 4B and 4C are diagrams of frames created by the frame generating circuit 27

when an error in detecting the line-of-sight has occurred. If an error in detecting the line-of-

sight has been made (step S3), the range finding and photometry frame 404 is set in the

central portion of the screen and has a larger size as compared with the size of the frame

created when the line-of-sight detection is performed normally (step S4), (see column 11, line

47 through column 12, line 13).

From the passages relied upon in the Official Action, Applicant finds that AF

microcomputer 29 discriminates whether or not the detection of a line-of-sight is being

performed normally on the basis of information indicating an error in the detection of the

line-of-sight supplied from line-of-sight detection circuit 6. If the detection is being

performed normally, the AF microcomputer outputs to frame generating circuit 27 an

appointment for creating a frame in accordance with information about the position of the

frame supplied from the line-of-sight to detection circuit. If the detection of the line-of-sight

results in an error, AF microcomputer outputs an appointment for creating a larger frame in

the central portion of the frame.

From the above discussion, it is clear that if the detected line-of-sight is determined to

be in error, the created frame has a larger size and is set in the center of the frame or screen as

shown at 404 in Figure 4B. If the detection of the line-of-sight is normal, i.e., the detected

line-of-sight is not determined by AF microprocessor to be in error, the point of interest

detected by the line-of-sight detection circuit 6 is read information about the position of a

point 405 shown in Figure 4A, and AF 29 transmits data to create a frame 406 for display.

Claim 2 recites, in part, that the center of the first region is located at the center of the

imaging range if the position designation is not received. However, in Suda there is no

description of a line-of-sight not being determined at all, and the Official Action fails to point

to any portion of Suda that would teach or suggest that the point-of-sight detection circuit 6

fails to make any detection of line-of-sight. Rather, a line-of-sight detection is made, and a

determination is then made by AF microprocessor 29 as to whether the line-of-sight detection

from line-of-sight detection circuit 6 is normal or in error. Accordingly, Suda does not

disclose the claim language that the center of the region is located at the center of the imaging

range if the position designation is not received. Nor does Suda disclose that the range of the

first region being set up is smaller than that of the case where the position is not received, i.e.,

that the imaging range is larger when the position designation is not received.

Accordingly, Suda does not anticipate Claim 2. Because the other independent claims

contain the same or similar limitations, Suda does not anticipate the claims of the case.

Turning next to the rejection of Claims 10, 22, 29, 32 and 37 under 35 U.S.C. §103 as being

unpatentable over Suda in view of Kaite Applicant requests that this rejection be withdrawn

because there is nothing in the Official Action to assert or establish that Kaite makes up for

the deficiencies of Suda. Similarly, turning to Claims 15, 17, 20, 26, 34, 39 and 44 which

were rejected under 35 U.S.C. §103(a) as being unpatentable over Suda, Applicant requests

that this rejection be withdrawn as well because the Official Action does not establish the

obviousness of the limitations discussed, supra, with respect to Claim 2.

From all of the above, Applicant believes that Claims 2-4, 8, 10, 14-17, 20, 22 and 26-

45 are in condition for allowance at this time. An early indication to that effect is respectfully

requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Scott A. McKeon
Registration No. 43,...